108TH CONGRESS 2D SESSION

S. RES. 479

Establishing a special committee administered by the Committee on Governmental Affairs to conduct an investigation involving Halliburton Company and war profiteering, and other related matters.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 20, 2004

Mr. Lautenberg submitted the following resolution; which was referred to the Committee on Rules and Administration

RESOLUTION

Establishing a special committee administered by the Committee on Governmental Affairs to conduct an investigation involving Halliburton Company and war profiteering, and other related matters.

- 1 Resolved,
- 2 SECTION 1. ESTABLISHMENT OF SPECIAL COMMITTEE.
- 3 (a) Establishment.—There is established a special
- 4 committee administered by the Committee on Govern-
- 5 mental Affairs to be known as the "Special Committee to
- 6 Investigate Halliburton, War Profiteering, and Related
- 7 Matters" (referred to in this resolution as the "special
- 8 committee").

1	(b) Purposes.—The purposes of the special com-
2	mittee are—
3	(1) to conduct an investigation and public hear-
4	ings into, and study of, whether any contracts
5	awarded to Halliburton, its subsidiaries or affiliates
6	(referred to in this resolution as "Halliburton") were
7	improperly coordinated by the Vice President's of
8	fice, or any other office or component of the execu-
9	tive branch;
10	(2) to conduct an investigation and public hear-
11	ings into, and study of, the propriety of the no-bid
12	Restore Iraqi Oil ("RIO") Contract awarded to Hal-
13	liburton by the Department of Defense;
14	(3) to conduct an investigation and public hear-
15	ings into, and study of, whether Halliburton over-
16	charged the government for meals, gasoline, and
17	other goods and services, in connection with either—
18	(A) any contract that was not competi-
19	tively bid; or
20	(B) any other contract;
21	(4) to conduct an investigation and public hear-
22	ings into, and study of, whether Halliburton delib-
23	erately or negligently wasted taxpayer funds in order
24	to inflate the value of any "cost-plus" contract;

1	(5) to conduct an investigation and public hear-
2	ings into, and study of, whether Halliburton or any
3	of its employees either—
4	(A) accepted kickbacks or other improper
5	considerations in return for awarding sub-
6	contracts; or
7	(B) engaged in any other improper behav-
8	ior in awarding subcontracts;
9	(6) to conduct an investigation and public hear-
10	ings into, and study of, whether Halliburton or its
11	employees violated United States sanctions laws by
12	conducting prohibited activities with respect to Iran,
13	Syria, Libya, North Korea, Cuba, or Iraq;
14	(7) to conduct an investigation and public hear-
15	ings into, and study of, whether Halliburton violated
16	United States or international laws or standards in
17	its treatment of its subcontractors, foreign and
18	United States employees in Iraq;
19	(8) to conduct an investigation and public hear-
20	ings into, and study of, whether Halliburton appro-
21	priately documented its expenses in Iraq;
22	(9) to conduct an investigation and public hear-
23	ings into, and study of, the ultimate uses of United
24	States Government funds that Halliburton spent in
25	Iraq;

1	(10) to conduct an investigation and public
2	hearings into, and study of, payments by the De-
3	partment of Defense to Halliburton, including—
4	(A) whether the Department of Defense
5	erred in not withholding 15 percent from its
6	payments of Halliburton's invoices, as required
7	under Federal Acquisition Regulations; and
8	(B) whether improper influence was used
9	in determining payments to Halliburton;
10	(11) to conduct an investigation and public
11	hearings into, and study of, whether the Department
12	of Defense improperly allowed Halliburton access to
13	confidential records or discussions in connection with
14	Halliburton's contract negotiations with the Depart-
15	ment of Defense;
16	(12) to conduct an investigation and public
17	hearings into, and study of, Halliburton's financial
18	relationship with the Government of Nigeria or offi-
19	cials of the Government of Nigeria, including—
20	(A) whether Halliburton paid bribes in
21	connection with business in Nigeria; and
22	(B) if Halliburton did pay such bribes,
23	whether those bribes were used by their recipi-
24	ents to fund illicit activities;

1	(13) to make such findings of fact as are war-
2	ranted and appropriate;
3	(14) to make such recommendations, including
4	recommendations for legislative, administrative, or
5	other actions, as the special committee may deter-
6	mine to be necessary or desirable; and
7	(15) to fulfill the constitutional oversight and
8	informational functions of Congress with respect to
9	the matters described in this subsection.
10	SEC. 2. MEMBERSHIP AND ORGANIZATION OF THE SPECIAL
11	COMMITTEE.
12	(a) Membership.—
13	(1) In general.—The special committee shall
14	consist of—
15	(A) the members of the Permanent Sub-
16	committee on Investigations of the Committee
17	on Governmental Affairs;
18	(B) the chairman and ranking member of
19	the Committee on the Judiciary, or their des-
20	ignees from the Committee on the Judiciary;
21	(C) the chairman and ranking member of
22	the Committee on Armed Services.
23	(2) Senate Rule XXV.—For the purpose of
24	paragraph 4 of rule XXV of the Standing Rules of
25	the Senate, service of a Senator as the chairman or

- other member of the special committee shall not be taken into account.
 - (b) Organization of Special Committee.—

- (1) CHAIRMAN.—The chairman of the Committee on Armed Services shall serve as the chairman of the special committee (referred to in this resolution as the "chairman").
 - (2) Ranking member.—The ranking member of the Committee on Armed Services shall serve as the ranking member of the special committee (referred to in this resolution as the "ranking member").
- (3) Quorum.—A majority of the members of the special committee shall constitute a quorum for the purpose of reporting a matter or recommendation to the Senate. A majority of the members of the special committee, or ½ of the members of the special committee if at least one member of the minority party is present, shall constitute a quorum for the conduct of other business. One member of the special committee shall constitute a quorum for the purpose of taking testimony.
- (c) Rules and Procedures.—
- 24 (1) IN GENERAL.—Except as otherwise specifi-25 cally provided in this resolution, the special commit-

- 1 tee's investigation, study, and hearings shall be gov-
- 2 erned by the Standing Rules of the Senate and the
- Rules of Procedure of the Permanent Subcommittee
- 4 on Investigations of the Committee on Governmental
- 5 Affairs.
- 6 (2) ADDITIONAL RULES.—The special com-
- 7 mittee may adopt additional rules or procedures not
- 8 inconsistent with this resolution or the Standing
- 9 Rules of the Senate if the chairman and ranking
- member agree that such additional rules or proce-
- dures are necessary to enable the special committee
- to conduct the investigation, study, and hearings au-
- thorized by this resolution. Any such additional rules
- and procedures shall become effective upon publica-
- tion in the Congressional Record.

16 SEC. 3. STAFF OF THE SPECIAL COMMITTEE.

- 17 (a) Appointments.—To assist the special committee
- 18 in the investigation, study, and hearings authorized by this
- 19 resolution, the chairman and the ranking member each
- 20 may appoint special committee staff, including consult-
- 21 ants.
- 22 (b) Assistance From the Senate Legal Coun-
- 23 SEL.—To assist the special committee in the investigation,
- 24 study, and hearings authorized by this resolution, the Sen-
- 25 ate Legal Counsel and the Deputy Senate Legal Counsel

- 1 shall work with and under the jurisdiction and authority
- 2 of the special committee.
- 3 (c) Assistance From the Comptroller Gen-
- 4 ERAL.—The Comptroller General of the United States is
- 5 requested to provide from the Government Accountability
- 6 Office whatever personnel or other appropriate assistance
- 7 as may be required by the special committee, or by the
- 8 chairman or the ranking member.

9 SEC. 4. PUBLIC ACTIVITIES OF THE SPECIAL COMMITTEE.

- 10 (a) In General.—Consistent with the rights of per-
- 11 sons subject to investigation and inquiry, the special com-
- 12 mittee shall make every effort to fulfill the right of the
- 13 public and Congress to know the essential facts and impli-
- 14 cations of the activities of officials of the United States
- 15 Government and other persons and entities with respect
- 16 to the matters under investigation and study, as described
- 17 in section 1.
- 18 (b) Duties.—In furtherance of the right of the pub-
- 19 lie and Congress to know, the special committee—
- 20 (1) shall hold, as the chairman (in consultation
- 21 with the ranking member) considers appropriate and
- in accordance with paragraph 5(b) of rule XXVI of
- the Standing Rules of the Senate, hearings on spe-
- 24 cific subjects;

1	(2) may make interim reports to the Senate as
2	it considers appropriate; and
3	(3) shall make a final comprehensive public re-
4	port to the Senate which contains—
5	(A) a description of all relevant factual de-
6	terminations; and
7	(B) recommendations for legislation, if
8	necessary.
9	SEC. 5. POWERS OF THE SPECIAL COMMITTEE.
10	(a) In General.—The special committee shall do ev-
11	erything necessary and appropriate under the laws and the
12	Constitution of the United States to conduct the investiga-
13	tion, study, and hearings authorized by section 1.
14	(b) Exercise of Authority.—The special com-
15	mittee may exercise all of the powers and responsibilities
16	of a committee under rule XXVI of the Standing Rules
17	of the Senate and section 705 of the Ethics in Government
18	Act of 1978, including the following:
19	(1) Subpoena powers.—To issue subpoenas
20	or orders for the attendance of witnesses or for the
21	production of documentary or physical evidence be-
22	fore the special committee. A subpoena or order may
23	be authorized by the special committee or by the
24	chairman with the agreement of the ranking mem-
25	ber, and may be issued by the chairman or any other

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member of the special committee designated by the chairman, and may be served by any person designated by the chairman or the authorized member anywhere within or outside of the borders of the United States to the full extent permitted by law. The chairman, or any other member of the special committee, is authorized to administer oaths to any witnesses appearing before the special committee. If a return on a subpoena or order for the production of documentary or physical evidence is incomplete or accompanied by an objection, the chairman (in consultation with the ranking member) may convene a meeting or hearing to determine the adequacy of the return and to rule on the objection. At a meeting or hearing on such a return, one member of the special committee shall constitute a quorum. The special committee shall not initiate procedures leading to civil or criminal enforcement of a subpoena unless the person or entity to whom the subpoena is directed refuses to produce the required documentary or physical evidence after having been ordered and directed to do so.

(2) Compensation authority.—To employ and fix the compensation of such clerical, investigatory, legal, technical, and other assistants as the spe-

- cial committee, or the chairman or the ranking member, considers necessary or appropriate.
 - (3) MEETINGS.—To sit and act at any time or place during sessions, recesses, and adjournment periods of the Senate.
 - (4) Hearings.—To hold hearings, take testimony under oath, and receive documentary or physical evidence relating to the matters and questions it is authorized to investigate or study. Unless the chairman and the ranking member otherwise agree, the questioning of a witness or a panel of witnesses at a hearing shall be limited to one initial 30-minute turn each for the chairman and the ranking member, or their designees, including majority and minority staff, and thereafter to 10-minute turns by each member of the special committee if 5 or more members are present, and to 15-minute turns by each member of the special committee if fewer than 5 members are present. A member may be permitted further questions of the witness or panel of witnesses, either by using time that another member then present at the hearing has yielded for that purpose during the yielding member's turn, or by using time allotted after all members have been given an opportunity to question the witness or panel of wit-

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nesses. At all times, unless the chairman and the ranking member otherwise agree, the questioning shall alternate back and forth between members of the majority party and members of the minority party. In their discretion, the chairman and the ranking member, respectively, may designate majority or minority staff to question a witness or a panel of witnesses at a hearing during time yielded by a member of the chairman's or the ranking member's party then present at the hearing for his or her turn.

- (5) Testimony of witnesses.—To require by subpoena or order the attendance, as a witness before the special committee or at a deposition, of any person who may have knowledge or information concerning any of the matters that the special committee is authorized to investigate and study.
- (6) IMMUNITY.—To grant a witness immunity under sections 6002 and 6005 of title 18, United States Code, provided that the independent counsel has not informed the special committee in writing that immunizing the witness would interfere with the ability of the independent counsel successfully to prosecute criminal violations. Not later than 10 days before the special committee seeks a Federal court

order for a grant of immunity by the special committee, the Senate Legal Counsel shall cause to be delivered to the independent counsel a written request asking the independent counsel promptly to inform the special committee in writing if, in the judgment of the independent counsel, the grant of immunity would interfere with the ability of the independent counsel successfully to prosecute criminal violations. The Senate Legal Counsel's written request of the independent counsel required by this paragraph shall be in addition to all notice requirements set forth in sections 6002 and 6005 of title 18, United States Code.

other testimony under oath anywhere within the United States, to issue orders that require witnesses to answer written interrogatories under oath, and to make application for the issuance of letters rogatory. All depositions shall be conducted jointly by majority and minority staff of the special committee. A witness at a deposition shall be examined upon oath administered by a member of the special committee or an individual authorized by local law to administer oaths, and a complete transcription or electronic recording of the deposition shall be made. Questions

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shall be propounded first by majority staff of the special committee and then by minority staff of the special committee. Any subsequent round of questioning shall proceed in the same order. Objections by the witness as to the form of questions shall be noted for the record. If a witness objects to a question and refuses to answer on the basis of relevance or privilege, the special committee staff may proceed with the deposition, or may, at that time or at a subsequent time, seek a ruling on the objection from the chairman. If the chairman overrules the objection, the chairman may order and direct the witness to answer the question, but the special committee shall not initiate procedures leading to civil or criminal enforcement unless the witness refuses to answer after having been ordered and directed to answer.

(8) Delegations to staff.—To issue commissions and to notice depositions for staff members to examine witnesses and to receive evidence under oath administered by an individual authorized by local law to administer oaths. The special committee, or the chairman with the concurrence of the ranking member, may delegate to designated staff members of the special committee the power to issue deposition notices authorized pursuant to this paragraph.

1	(9) Information from other sources.—To
2	require by subpoena or order—
3	(A) any department, agency, entity, officer,
4	or employee of the United States Government;
5	(B) any person or entity purporting to act
6	under color or authority of State or local law;
7	or
8	(C) any private person, firm, corporation,
9	partnership, or other organization;
10	to produce for consideration by the special com-
11	mittee or for use as evidence in the investigation,
12	study, or hearings of the special committee, any
13	book, check, canceled check, correspondence, com-
14	munication, document, financial record, paper, phys-
15	ical evidence, photograph, record, recording, tape, or
16	any other material relating to any of the matters or
17	questions that the special committee is authorized to
18	investigate and study which any such person or enti-
19	ty may possess or control.
20	(10) Recommendations to the senate.—To
21	make to the Senate any recommendations, by report
22	or resolution, including recommendations for crimi-
23	nal or civil enforcement, which the special committee
24	may consider appropriate with respect to—

1	(A) the willful failure or refusal of any per-
2	son to appear before it, or at a deposition, or
3	to answer interrogatories, in compliance with a
4	subpoena or order;
5	(B) the willful failure or refusal of any
6	person to answer questions or give testimony
7	during the appearance of that person as a wit-
8	ness before the special committee, or at a depo-
9	sition, or in response to interrogatories; or
10	(C) the willful failure or refusal of—
l 1	(i) any officer or employee of the
12	United States Government;
13	(ii) any person or entity purporting to
14	act under color or authority of State or
15	local law; or
16	(iii) any private person, partnership,
17	firm, corporation, or organization;
18	to produce before the special committee, or at
19	a deposition, or at any time or place designated
20	by the committee, any book, check, canceled
21	check, correspondence, communication, docu-
22	ment, financial record, paper, physical evidence,
23	photograph, record, recording, tape, or any
24	other material in compliance with any subpoena
25	or order.

- 1 (11) Consultants.—To procure the tem-2 porary or intermittent services of individual consult-3 ants, or organizations thereof.
 - (12) OTHER GOVERNMENT PERSONNEL.—To use, on a reimbursable basis and with the prior consent of the Government department or agency concerned, the services of the personnel of such department or agency.
 - with the prior consent of any member of the Senate or the chairman or the ranking member of any other Senate committee or the chairman or ranking member of any subcommittee of any committee of the Senate, the facilities or services of the appropriate members of the staff of such member of the Senate or other Senate committee or subcommittee, whenever the special committee or the chairman or the ranking member considers that such action is necessary or appropriate to enable the special committee to conduct the investigation, study, and hearings authorized by this resolution.
 - (14) Access to information and evidence.—To permit any members of the special committee, staff director, counsel, or other staff members or consultants designated by the chairman

1	or the ranking member, access to any data, evidence
2	information, report, analysis, document, or paper—
3	(A) that relates to any of the matters or
4	questions that the special committee is author
5	ized to investigate or study under this resolu
6	tion;
7	(B) that is in the custody or under the
8	control of any department, agency, entity, offi
9	cer, or employee of the United States Govern
10	ment, including those which have the power
11	under the laws of the United States to inves
12	tigate any alleged criminal activities or to pros
13	ecute persons charged with crimes against the
14	United States without regard to the jurisdiction
15	or authority of any other Senate committee or
16	subcommittee; and
17	(C) that will assist the special committee
18	to prepare for or conduct the investigation
19	study, and hearings authorized by this resolu
20	tion.
21	(15) Reports of violations of Law.—To re
22	port possible violations of any law to appropriate
23	Federal, State, or local authorities.
24	(16) Expenditures.—To expend, to the ex
25	tent that the special committee determines necessary

- and appropriate, any money made available to the special committee by the Senate to carry out this resolution.
- 4 (17) Tax return information.—To inspect 5 and receive, in accordance with the procedures set 6 forth in sections 6103(f)(3) and 6104(a)(2) of the 7 Internal Revenue Code of 1986, any tax return or 8 tax return information, held by the Secretary of the 9 Treasury, if access to the particular tax-related in-10 formation sought is necessary to the ability of the 11 special committee to carry out section 1(b)(3)(B).

12 SEC. 6. PROTECTION OF CONFIDENTIAL INFORMATION.

- 13 (a) Nondisclosure.—No member of the special 14 committee or the staff of the special committee shall dis-15 close, in whole or in part or by way of summary, to any person other than another member of the special com-16 mittee or other staff of the special committee, for any purpose or in connection with any proceeding, judicial or oth-18 19 erwise, any testimony taken, including the names of wit-20 nesses testifying, or material presented, in depositions or 21 at closed hearings, or any confidential materials or information, unless authorized by the special committee or the 23 chairman in concurrence with the ranking member.
- 24 (b) STAFF NONDISCLOSURE AGREEMENT.—All mem-25 bers of the staff of the special committee with access to

- 1 confidential information within the control of the special
- 2 committee shall, as a condition of employment, agree in
- 3 writing to abide by the conditions of this section and any
- 4 nondisclosure agreement promulgated by the special com-
- 5 mittee that is consistent with this section.
- 6 (c) Sanctions.—
- 7 (1) MEMBER SANCTIONS.—The case of any
 8 Senator who violates the security procedures of the
 9 special committee may be referred to the Select
 10 Committee on Ethics of the Senate for investigation
 11 and the imposition of sanctions in accordance with
 12 the rules of the Senate.
- 13 (2) STAFF SANCTIONS.—Any member of the 14 staff of the special committee who violates the secu-15 rity procedures of the special committee shall imme-16 diately be subject to removal from office or employ-17 ment with the special committee or such other sanc-18 tion as may be provided in any rule issued by the 19 special committee consistent with section 2(c).
- 20 (d) STAFF DEFINED.—For purposes of this section,21 the term "staff of the special committee" includes—
- 22 (1) all employees of the special committee;
- 23 (2) all staff designated by the members of the 24 special committee to work on special committee busi-
- 25 ness;

1	(3) all Senate staff assigned to special com-
2	mittee business pursuant to section 5(b)(13);
3	(4) all officers and employees of the Office of
4	Senate Legal Counsel who are requested to work on
5	special committee business; and
6	(5) all detailees and consultants to the special
7	committee.
8	SEC. 7. RELATION TO OTHER INVESTIGATIONS.
9	(a) Purposes.—The purposes of this section are—
10	(1) to expedite the thorough conduct of the in-
11	vestigation, study, and hearings authorized by this
12	resolution;
13	(2) to promote efficiency among all the various
14	investigations underway in all branches of the
15	United States Government; and
16	(3) to engender a high degree of confidence on
17	the part of the public regarding the conduct of such
18	investigation, study, and hearings.
19	(b) Special Committee Actions.—To carry out
20	the purposes stated in subsection (a), the special com-
21	mittee is encouraged—
22	(1) to obtain relevant information concerning
23	the status of the investigation of the independent
24	counsel, to assist in establishing a hearing schedule
25	for the special committee; and

1 (2) to coordinate, to the extent practicable, the 2 activities of the special committee with the investiga-3 tion of the independent counsel. SEC. 8. SALARIES AND EXPENSES. 5 A sum equal to not more than \$1,000,000 for the period beginning on the date of adoption of this resolution 6 and ending on February 28, 2006, shall be made available 8 from the contingent fund of the Senate out of the Account for Expenses for Inquiries and Investigations for payment 10 of salaries and other expenses of the special committee under this resolution, which shall include not more than 12 \$750,000 for the procurement of the services of individual 13 consultants or organizations thereof, in accordance with section 5(b)(11). Payment of expenses shall be disbursed 14 15 upon vouchers approved by the chairman, except that vouchers shall not be required for the disbursement of sal-16 aries paid at an annual rate. 17 18 SEC. 9. REPORTS; TERMINATION. 19 (a) Completion of Duties.— 20 (1) In General.—The special committee shall 21 make every reasonable effort to complete, not later 22 than February 1, 2006, the investigation, study, and 23 hearings authorized by section 1. 24 (2) EVALUATION OF PROGRESS.—The special

committee shall evaluate the progress and status of

the investigation, study, and hearings authorized by section 1 and, not later than January 15, 2006, make recommendations with respect to the authorization of additional funds for a period following February 28, 2006. If the special committee re-quests the authorization of additional funds for a pe-riod following February 28, 2006, the majority lead-er and the minority leader shall meet and determine the appropriate timetable and procedures for the Senate to vote on any such request.

(b) Final Report.—

- (1) Submission.—The special committee shall promptly submit a final public report to the Senate of the results of the investigation, study, and hearings conducted by the special committee pursuant to this resolution, together with its findings and any recommendations.
- (2) Confidential information.—The final report of the special committee may be accompanied by such confidential annexes as are necessary to protect confidential information.
- (3) Conclusion of Business.—After submission of its final report, the special committee shall promptly conclude its business and close out its affairs.

- 1 (c) Records.—Upon the conclusion of the special
- 2 committee's business and the closing out of its affairs, all
- 3 records, files, documents, and other materials in the pos-
- 4 session, custody, or control of the special committee shall
- 5 remain under the control of the Permanent Subcommittee
- 6 on Investigations of the Committee on Governmental Af-
- 7 fairs.

8 SEC. 10. COMMITTEE JURISDICTION AND RULE XXV.

- 9 The jurisdiction of the special committee is granted
- 10 pursuant to this resolution, notwithstanding the provisions
- 11 of paragraph 1 of rule XXV of the Standing Rules of the
- 12 Senate relating to the jurisdiction of the standing commit-
- 13 tees of the Senate.

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